

Government of
Canada

Parole Board
of Canada

PROTECTED WHEN COMPLETED
PERSONAL INFORMATION BANK
PBC-CLCC PFU 005

PBC DECISION SHEET

Name

O'BRIEN, JOHN
Institution:

FPS

File No

TYPE OF REVIEW
PAPER

TYPE OF RELEASE(S)
STATUTORY RELEASE - PRE REL.

OFFENDER'S SECURITY CLASSIFICATION

SIR score -13 (if applicable)

1 OUT OF 3 OFFENDERS WILL NOT COMMIT AN
INDICTABLE OFFENCE AFTER RELEASE.

Does not apply - Reason:

FINAL DECISION(S)

STATUTORY RELEASE - PRE REL. CHANGE CONDITION

Dated

2013/02/21

to impose special conditions on Statutory Release. No leave privileges.

**SPECIAL CONDITION(S) IMPOSED AND PERIOD OF TIME FOR WHICH THEY
ARE VALID**

STATUTORY RELEASE - PRE REL. AVOID PERSONS - VICTIM(S)
No direct or indirect contact with the victims of your sexual assaults
or any member of the their family.
Status **IMPOSED**

STATUTORY RELEASE - PRE REL. RESIDE AT A SPECIFIC PLACE
Reside at a Community Correctional Centre or a Community Residential
Facility or other residential facility (such as private home placement)
approved by the Correctional Service of Canada.
Status **IMPOSED**

STATUTORY RELEASE - PRE REL. REPORT RELATIONSHIPS
Immediately report all intimate sexual and non sexual relationships and
friendships with females to your parole supervisor.
Status **IMPOSED**

STATUTORY RELEASE - PRE REL. PORNOGRAPHY RESTRICTION
Not to purchase, acquire, possess or access pornography or sexually
explicit material in any form or type of media.
Status **IMPOSED**

STATUTORY RELEASE - PRE REL. NOT TO CONSUME ALCOHOL
Not to consume, purchase or possess alcohol.
Status **IMPOSED**

STATUTORY RELEASE - PRE REL. FOLLOW TREATMENT PLAN

medication taken as prescribed and over the counter drugs taken as recommended by the manufacturer.

Status IMPOSED

STATUTORY RELEASE - PRE REL.

AVOID CERTAIN PERSONS

Not to associate with any person you know or have reason to believe is involved in criminal activity.

Status IMPOSED

REASONS FOR SPECIAL CONDITIONS:

Your case has been referred to the Parole Board of Canada (PBC) by the Correctional Service of Canada (CSC) with a recommendation to impose special conditions on your upcoming statutory release, in accordance with the Corrections and Conditional Release Act (CCRA). The Board is limited to the imposition of special conditions it considers reasonable and necessary in order to protect society and to facilitate your successful reintegration into society.

CSC is recommending that the Board impose a special condition that you reside at a specific place during your statutory release. In order to impose that condition, the Board must be satisfied that in the absence of a residency condition, you are an undue risk to commit an offence listed in Schedule I of the CCRA or a criminal organization offence before the expiration of your sentence according to law.

You are a repeat federal offender in your early fifties serving an aggregate sentence of thirty seven years and nine months for various offences including numerous Sexual Assaults with a Weapon, and numerous Sexual Assaults, Use of Firearm While Committing (x2), and Attempt Indictable Offence of Sexual Assault. Your substance abuse has been noted as a primary factor in your offending behaviour, and you in fact admitted to being under the influence of cocaine and alcohol during the commission of many of your offences. Information from the sexual assault victims describes their pain, trauma, mental and physical scars, the loss of their security and who they were then compared to who they have become. Several of the assaults were committed in secluded areas while others involved home invasions in a rural setting. Earlier releases were not successful and you committed your current offences while on a conditional release. Your criminal history dates back to the mid-seventies and includes property related offences, common assaults, drug related offences, sexual assault with a weapon, obstruction, cause a disturbance, and parole violations.

You have participated in numerous programs directed towards your deviant behaviour and risk factors including the sex offender program and extensive psychological therapy. Progress has been noted in various programs and recently your Case Management Team supported a series of unescorted temporary absences as part of a gradual re-entry release plan. Despite completing programs, your Case Management Team indicated you were involved in a violent incident and involuntarily transferred to higher security. You were subsequently returned to security.

The updated version of your sexual offences, as being revenge towards an organized crime gang, recently came to light and you explained keeping this information concealed for your own safety.

Emotional issues, sexual deviancy, substance abuse and negative association are stressors/factors that could lead you to commit an offence involving violence.

While incarcerated, you have completed programming focusing on some of these issues. However, you have adopted violent behaviour following program completion which speaks to your limited progress.

Your Case Management Team report there is little evidence to suggest your risk levels have been reduced and you have a pattern of persistent violent behaviour. It is their view that you have the potential to be very dangerous and the most recent psychological assessment concluded that your risk of sexual recidivism is in the high end of the moderate range and that your risk for general violence is in the moderate range. Hence your Case Management Team states that you have yet to be tested in the community and until such time as you demonstrate positive change where it matters the most, they remain concerned about the potential risk you present.

Your Case Management Team has recommended the imposition of special conditions to address your risk factors including substance abuse, sexual deviancy, relationship issues, the use/possession of pornography, and associates. Furthermore they are recommending a condition that you have no contact with the victims of your offences and/or their families, and that you reside at a specific place. Given your propensity for violence in the past and the nature of your offences they believe a residency condition is required and in the absence of such a condition, you will present an undue risk to society by committing an offence listed in Schedule I before the expiration of your sentence according to law. In the event PBC imposes the residency condition, the parole officer assigned to your case is to monitor your compliance with your correctional plan and if/when it is felt you have made significant progress to warrant lifting the residency condition, a recommendation will be submitted to PBC at that time.

Local police authorities are opposed to any type of release to their city and express concern for public safety and suggest they will never be supportive of your release no matter what progress you make. Furthermore, if released to that area police reporting will be mandatory. They feel strongly that statutory release with residency is the only release on which your risk could possibly be managed.

Your Case Management Team reports you are engaged in your correctional plan, have completed all programming with some positive results, but can improve in terms of gaining insight towards lowering your risk. They have worked with the community Case Management Team to develop a reasonable and effective plan and believe a gradual release via a Community Correctional Centre (CCC) is the most appropriate and effective plan to manage your risk. Family support is confirmed through your partner and her family and they are noted to be positive resources.

Following a review of your case, the Board imposes special conditions deemed reasonable and necessary in order to protect society and to facilitate your successful reintegration into society. Considering the type of offence you could commit should you re-offend, the extent of some of the elements supporting the imposition of the said special conditions as well as the duration during which some of those elements have been present in your life, the imposed conditions

of these offences and by adopting other types of violent behaviours, you have shown a level of comfort with the use of weapon and violence.

As you have continued to adopt violent behaviours in the institution after having completed programming, the Board believes that you have yet to address the factors/stressors which fuel your violence. Consequently, it believes that you still have a sexual deviancy and a propensity for violence.

For all those reasons, the Board considers that a residency condition would facilitate your reintegration. Furthermore, the Board concludes that, in the absence of such a condition, you will present an undue risk to society by committing an offence listed in Schedule I or a criminal organization offence before the expiration of your sentence according to law. Therefore, you must reside in a Community Based Residential Facility (CBRF) until the end of your sentence according to law.

Leave privileges are not authorized as you require close monitoring and supervision and you are yet to demonstrate an ability to abide by rules/conditions.

Considering you have committed sexual offences under the influence of alcohol and/or drugs, the Board believes that further substance abuse could lead to similar criminal behaviour. Consequently, you must not to consume, purchase or possess alcohol and/or drugs other than prescribed medication taken as prescribed and over-the-counter drugs taken as recommended by the manufacturer.

You have been involved in criminal activities with accomplices who owed you money. Furthermore, you have committed sexual assaults with the hope that such would facilitate further contacts with your associates. The Board believes that negative association could result in your return to a criminal lifestyle. Therefore, you must not to associate with any person you know or have reason to believe is involved in criminal activity.

The Board believes that further contacts with the victims of your sexual assaults and the members of their family could lead to conflicts and result in your use of violence. Consequently, you must not have direct or indirect contact with the victims of your sexual assaults or any member of their family.

Considering the extent of your sexual deviancy, the ease which you have been able to regularly commit sexual offences towards females and your lack of respect towards females, the Board is of the opinion that your parole supervisor must know if you are or not involved in intimate relationships/friendships with females in order to be able to adequately supervise you in the community. Therefore, you must immediately report all intimate sexual and non sexual relationships and friendships with females to your parole supervisor.

Based on the extend of your sexual deviancy and the number of sexual assaults you have committed, the Board believes that your access to pornographic material could lead you to be unable to control your impulses and result in your re-offending.

Based on the extent of your sexual deviancy, the number of sexual assaults you have committed and your limited

sexual deviancy.

VOTE(S)

STATUTORY RELEASE - PRE REL.
BOARD MEMBER

CHANGE CONDITION
MCGRAW , LOUIS-PHILIPPE

Dated

2013/02/21

STATUTORY RELEASE - PRE REL.
BOARD MEMBER

CHANGE CONDITION
JOHNSON , STEPHEN J

2013/02/21

SIGNATURE(S)

MCGRAW , LOUIS-PHILIPPE

Date

JOHNSON , STEPHEN J

Date

Government of
Canada

Parole Board
of Canada

PROTECTED WHEN COMPLETED
PERSONAL INFORMATION BANK
PBC-CLCC PPU 005

PBC PRE-RELEASE DECISION SHEET

Name

O'BRIEN, JOHN
Institution:

FPS

File No

TYPE OF REVIEW

PANEL

TYPE OF RELEASE(S)

U.T.A. PRE RELEASE

OFFENDER'S SECURITY CLASSIFICATION

SIR score -13 (if applicable)

1 OUT OF 3 OFFENDERS WILL NOT COMMIT AN
INDICTABLE OFFENCE AFTER RELEASE.

Does not apply - Reason:

OBSERVER(S)

NO Observer(s) present (except during Board Member deliberations)

Excluded from part of hearing:
Reason:

ASSISTANT

YES Assistant present

NEW INFORMATION OR GIST OF CONFIDENTIAL INFORMATION SHARED WITH OFFENDER

Not Applicable

FINAL DECISION(S)

U.T.A. PRE RELEASE
PERSONAL DEVELOPMENT

NOT AUTHORIZED

Dated
2012/07/06

**SPECIAL CONDITION(S) IMPOSED AND PERIOD OF TIME FOR WHICH THEY
ARE VALID** (Apply until the end of the release unless a fixed period of time is specified)

Status

REASONS FOR DECISION(S)

Commit - Assault, Sexual Assault (x2) and Sexual Assault with a Weapon (x2). Your sexual assault convictions were against seven adult female victims. The first five assaults were committed in secluded areas, while the last two occurred during home invasions in rural dwellings, and were committed on the same night. You claim that you were under the influence of drugs and/or alcohol during the commission of all offences, and that Cocaine was your drug of choice. You were granted a day parole release in 1984, which was subsequently revoked as you were convicted of new offences. After being released on statutory release in 1985, it was suspended as a result of your fighting at a restaurant. You were granted day parole in 1988, and reached full parole six months later. You committed your current offences while on this release.

Your criminal record dates back to 1976 and includes convictions for Theft Over \$200 (x4), Break, Enter and Theft (x7), Possession of Stolen Property Over \$200 (x7), Common Assault (x3), Break and Enter with Intent (x3), Possession of Narcotics, Theft Under \$200 (x2), Possession of Stolen Property Under \$1000, Sexual Assault with a Weapon, Theft Over \$1000, Obstruct Peace Officer, Cause a Disturbance, Theft Under \$1000, and Parole Violation. You were on full parole when you committed your current offences.

According to the General Statistical Information on Recidivism (GSIR), your score of -13 indicates that one out of three offenders with similar characteristics will not re-offend within a three-year period upon release. While incarcerated, the contributing factors to your criminality have been identified as marital/family relationships, associates/social interaction, substance abuse and community functioning which require a moderate need for improvement. At one point during your sentence those were assessed at a lower level of need for intervention. Your motivation level is currently assessed as high and your reintegration potential is assessed as medium. Psychological assessments indicate that your offences were not considered primarily sexually motivated, rather primarily motivated by a need to discharge anger impulses, for revenge, and for power and control. According to a recent psychological assessment your overall risk for sexual recidivism is estimated to be in the high end of the moderate range.

Throughout your incarceration you have participated in various programs to address your dynamic risk factors. You completed the Cognitive Skills Program, Living without Violence, Parenting Skills and Offender Substance Abuse Program (x2), Phase I and II of the Sex Offender Program, as well as extensive psychological treatment. Reports indicate you have demonstrated a good understanding of the contributing factors to your sexual offences and have demonstrated a thorough and realistic understanding of the thoughts, emotions and behaviors that led you to commit your offences. They also mention that you readily adapted to utilizing new self-management strategies, and were able to challenge many of your cognitive distortions, especially regarding women and sexuality, and communicated a great deal of empathy for your victims and remorse for your actions.

You have also participated in the Sex Offender Maintenance Program, where you were described as open, insightful and engaged in the process.

You are currently residing in a minimum security institution, and have successfully completed

implicated in an inmate assault as well as other problematic behaviors such as muscling, threats, and intimidation of other inmates. Of concern is the fact you have used violence in spite of the completion of programs reporting that you had made progress. Since your return to minimum security in early 2011, there have been no further concerns. Reports indicate you have been working hard at applying skills to manage your anxiety and not react emotionally to situations.

You are currently in a stable, pro-social relationship, and have participated in a number of private family visits without incident. According to CSC, people close to you are considered a positive influence and a significant source of community support. The preventative security department was consulted and reports no current security concerns, or indications of involvement in illicit activities.

Your case management team (CMT) is proposing that you be granted a package of three - 72 hour UTA's to a CCC for personal development purposes. They believe you have developed insight into your offence dynamics, significant progress in managing your risk factors effectively and a more in-depth understanding of your self management plans. A community assessment has verified your acceptance at the CCC on the proposed passes. Your most recent psychological assessment notes you seem to have made progress in identifying and challenging the attitudes and beliefs towards women that initiated, encouraged and maintained your period of sexual offending. It further assesses your risk for public safety during the proposed temporary absences as manageable at this time. Your CMT recommends the imposition of special conditions for you not consume, purchase or possess alcohol or drugs other than prescribed medication taken as prescribed and over the counter drugs taken as recommended by the manufacturer, not to associate with any person you know or have reason to believe is involved in criminal activity, and to inform your parole officer of all personal, intimate and social relationships with women. Police were contacted and are strongly opposed to any form of release. CSC's recommendation is for three personal development UTA's to be granted as proposed.

The Board reviews your case for the purpose of unescorted temporary absences (UTA). In assessing your case according to the legal criteria for such review, the Board has to determine if you will not, by reoffending, present an undue risk to society during the absence; it is desirable for you to be absent from the penitentiary for medical, administrative, community service, family contact, personal development for rehabilitative purposes, or compassionate reasons, including parental responsibilities; and your behavior while under sentence does not preclude authorizing the absence and a structured plan for the absence has been prepared.

At your hearing, you provided a version of events of your offences which is consistent with your recent updated version on file. You were able to explain how your lack of caring, anger issues, drug trafficking activities, criminal attitude/values and the fact you had negative views toward women impacted your criminality.

You explained how program participation and working closely with your CMT assisted you in making progress. You stressed that you have acquired a better understanding of your risk situations such as drug use, isolating yourself, not expressing yourself, being judgmental, negative thinking, emotional instability, and lack of accountability.

years which resulted in your use of violence in a minimum security level institution. However, you emphasized that although you did not participate in additional programming, you have since been able to resolve the issues which led to your recent use of violence. You believe you learned to do so mostly by being honest with your CMT and discussing with them. Your honesty/openness was questioned by the Board because you had very recently updated your version of events of some of your current offences. In your answer, you recognized having only shared certain information while encouraged to do so during program participation. Also, you explained you did so for your own protection.

You believe that your release on UTA's would assist your reintegration by providing you with opportunities to slowly get accustomed to being close to people, learn to live in modern society and discuss with halfway house staff.

The Board, in assessing your case, is of the opinion that you have committed serious offences, that the type of offences have been diverse, have involved violence some of which include sexual assaults involving many separate victims. In addition, you started committing offences at an early age and have acquired criminal values that are well engrained. The above are seen as aggravating factors to your risk to reoffend. You had a serious drug and alcohol addiction which was present during your offending. Such is consistent with actuarial measures which assess you as a high risk for general recidivism and a psychological assessment which assesses you as a moderate risk for violence.

The Board is of the opinion that you have displayed a high level of motivation by your participation in programming throughout your sentence which has resulted in some gains and in acquiring a better insight of your offending dynamic and criminal patterns. However, the Board believes that your overall progress in regard to your ability to avoid violence remains fragile as evidenced by the fact that you were involved in an assault and other violent behaviors in recent years. Furthermore, the factors that led you to use violence have yet to be adequately addressed. The Board is also concerned with the delay and resistance to be fully honest and transparent with your Case Management Team. This is seen by the Board as you continuing to demonstrate manipulative behaviors.

The Board is of the opinion that based on your criminal history, your remaining unaddressed issues and your fragile gains to date, the proposed release would not adequately protect society. Such is evidenced by the fact that the setting of a halfway house is a less structured environment than the setting of a minimum security institution where you have resorted to the recent use of violence.

For all those reasons, the Board is of the opinion that you would present an undue risk on UTA's, therefore the UTA's are not authorized.

VOTE (S)

U.T.A. PRE RELEASE
BOARD MEMBER

NOT AUTHORIZED
LEBLANC , BERNARD A.

PERSONAL DEVELOPMENT

Dated

2012/07/06

U.T.A. PRE RELEASE
BOARD MEMBER

NOT AUTHORIZED
MCGRAW , LOUIS-PHILIPPE

PERSONAL DEVELOPMENT

2012/07/06

SIGNATURE (S)

LEBLANC , BERNARD A.

Date

MCGRAW , LOUIS-PHILIPPE

Date